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Article 14: Certain Uses

14.100 Itinerant Uses. *Repealed. See Chapter 4 of the Municipal Code.*

14.200 Home Occupation

14.210 Applicability and Purpose.

This section applies to all proposed Home Occupations as defined in Section 30 of this Code. The purpose of this section is to regulate home occupations consistent with the following goals:

- (1) To maintain the residential character of neighborhoods in both appearance and characteristics.
- (2) To allow businesses compatible with residential uses without infringing upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.
- (3) To preserve and to protect adequate public utility services and transportation facilities.
- (4) To ensure that home occupations are subject to standard development review criteria, regardless of the zone district.

14.211 Exemptions. The following occupational uses are not required to apply for home occupation permits. The uses are required to comply with the standards for minor home occupations.

- (1) Building contractors, home builders, building tradespeople, landscaping services and janitorial services where the work is conducted entirely off-site, and
- (2) Other businesses where the office in the home serves only as a secondary office⁸ and there are no customers visiting the site and no outside employees working from the site.
- (3) Primary home offices that have no customers visiting the site and no outside employees working from the site.
- (4) Exempt home occupations are limited to one business-related vehicle parked on the site at any given time.

14.212 Occupational uses exempted under 14.211 shall comply with all of the following restrictions:

- (1) (a) The occupational use shall be consistent with the home occupation purpose goals, as stated in Section 14.210; and,

- (b) The occupational use shall be consistent with the general criteria set forth in Section 14.230 (1) and (2).

14.220 Permit Required. A permit for a Minor Home Occupation and a Development Permit for a Major Home Occupation shall be obtained from the Director of the Community Development Department prior to any said use. Before any appropriate permit can be issued for a Home Occupation, the appropriate criteria shall be met.

14.225 Home Occupations in Multifamily and Cottage Developments. The following types of home occupations are allowed in multifamily and cottage developments:

- (1) Multifamily development. Only exempt home occupations are allowed in multifamily developments, and must be consistent with the applicable standards in this section.
- (2) Cottage development. Only exempt and minor home occupations are allowed in cottage developments, and must be consistent with the applicable standards in this section.

14.230 Criteria.

- (1) General Criteria for all Home Occupations and occupational uses exempted from home occupation permits.

Home occupations and those exempted from permits shall comply with the following requirements:

- (a) The occupation will not require more area than that equal to 25% of the floor area of the ground floor of the building. Space used in calculating floor area shall include the dwelling unit and garage, if garage is attached, or the dwelling unit without an attached garage plus the area of one additional detached, on-site building. Total area for the Home Occupation shall not exceed 25% of the floor area or 500 square feet, whichever is less.
- (b) The occupation will be conducted entirely within the dwelling unit, garage or detached building.
- (c) ⁸For non-exempt home occupations, only members of the family residing in the dwelling plus one outside employee (a person not residing in the home) shall be allowed to work at the home occupation site.
- (d) The residential character of the dwelling and lot shall be maintained.

- (e) Only one business related vehicle, not parked in a garage, is permitted on the property. No other equipment, materials or business related vehicles, including trailers, other than automobiles and light duty trucks, shall be stored or parked outside on-site. Light duty trucks shall mean vehicles three-quarter ton or less in size.
- (f) The home occupation does not involve on-site retail sales unless the items are incidental to the occupational use, such as the sale of beauty products from salons, lesson books or sheet music for music teachers, or computer software for computer consultants, etc.
- (g) If applicable, name, address and written authorization from the property owner to permit the home occupation on the premises
- (h) The home occupation complies with all environmental performance standards as set forth in Article 24 and does not involve the storage or use of materials which are determined by the Director to be nuisance.

(2) Additional Criteria for Minor Home Occupations.

Minor Home Occupations and occupational uses exempted from home occupation permits shall comply with the following additional requirements:

- (a) Only one client or customer shall be on site at any given point in time, and there shall be no more than eight (8) total client or customer visits to the site per day. There shall be no client/customer visits between the hours of 9:00 pm and 7:00 am.
- (b) There shall be no more than three (3) business-related deliveries per day, and no deliveries between the hours of 9:00 pm and 7:00 am.
- (c) There shall be no outside storage related to the home occupation on the site.

(3) Additional Criteria for Major Home Occupations.

Major Home Occupations shall comply with the following additional requirements:

- (a) The property complies with all applicable Code standards regarding sidewalk and access and with all on-site improvements, including but not limited to: landscaping, access, parking, paving, trash disposal and utility services.
- (b) Potential land use conflicts have been mitigated through specific conditions of development as required by this Code.

14.240

Mitigation.

- (1) The issuance of a home occupation permit may require the mitigation of potential land use conflicts. Issues needing mitigation may include, but are not limited to: dust, odors, noise, interference with TV/radio transmissions, electrical interference, vibrations, heat, smoke, visual interference including glare and excess lighting, storage of flammable and hazardous materials, traffic, parking and interference with residential character of a neighborhood.
- (2) Methods of mitigation may include, but are not limited to: limiting the hours of operation, limiting the hours of deliveries, buffering, controlling the number of clients on-site at any one given time and the total number of customers per day, controlling the number of on-site parking spaces, and restricting the type of equipment, supplies, chemicals which may be stored on-site and limiting the type and amount of signage.

14.250

Application Information and Issuance of Permit.

- (1) A Minor Home Occupation Permit shall be issued after a Minor Home Occupation Permit application is filed, reviewed and approved by the Director. The Minor Home Occupation Permit application shall include the following information:
 - (a) Name of home occupation for which the permit is being granted and the number of employees.
 - (b) A short description of the home occupation.
 - (c) Applicant's name, address and telephone number.
 - (d) Assessor's map page and tax lot numbers for the property of the applicant's business.
 - (e) Current zoning district designation.
 - (f) If applicant is not the property owner, written authorization from the property owner or rental management company.
- (2) A Major Home Occupation application shall include a site plan with information required in Section 19.072. The home occupation shall not be conducted prior to approval and issuance of the Development Permit. The procedure method for processing the application shall be as determined in Article 12, Zoning Districts, and shall be based on the zone district of the property on which the home occupation is conducted.

14.260

Prohibited Home Occupations.

The following types of home occupations are prohibited:

- (1) Ambulance service.
- (2) Auto and other vehicle repair, including auto painting.
- (3) Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on site.

14.300 Day Care

The review procedure for Family Day Care or Group Day Care shall be as provided in Schedule 12-2.

14.310 Family Day Care. Family Day Care, as defined in Article 30 of this Code, is permitted in any existing residential dwelling unit which is approved for occupancy. No development permit is required.

14.320 Group Day Care. A development permit for group day care use shall be obtained from the Director prior to any said use. The permit application shall contain the following:

- (1) All submittal requirements for site plan review as found in Section 19.072 of this Code.
- (2) Description of day care use:
 - (a) Number of children/adults per session.
 - (b) Number and duration of sessions.

14.330 Criteria.

- (1) Compliance with requirements of applicable State agencies.
- (2) Adequate access, off-street parking, and turn-around area.
- (3) Sight obscuring fence around outdoor play area, except when other types of fencing are required for public safety purposes.
- (4) No playground equipment in front yard.

14.400 Bed and Breakfast Inn.

14.410 Applicability. This section applies to all proposed Bed and Breakfast Inns as defined in Article 30 of this Code.

14.420 Permit Required. No person, group, firm, business, or organization shall engage in the use or occupation of Bed and Breakfast Inns without first obtaining the necessary approvals and compliance with all required conditions and standards of development.

Use and Development Standards.

- (1) Number of Guest Rooms Permitted. One guest room for every 400 square feet of gross floor living area, plus one unit for the proprietor of the business. Total number of guest rooms shall not exceed 5. For calculation purposes, the outside dimension of each eligible structure may be used. Living area includes any structure on the lot lawfully used for residential purposes. Living area does not include: garages, garage conversion where the conversion has resulted in noncompliance with off-street parking requirements, utility shops, basements, storage sheds and other similar nonresidential structures.
- (2) Length of Stay. Not more than 15 days in any 30 day period.
- (3) Off-Street Parking. Also see Article 25, Section 25.042(2)(d) of this Code.
 - (a) Required Number of Spaces. One parking space for each guest room, and one space for the proprietor's unit.
 - (b) Design Guidelines. These guidelines shall be used by the decision maker of the request to ensure that aesthetic impacts resulting from required off-street parking are minimized.
 - (i) On-site turnaround may be waived if it is determined that the risk to public safety has not been jeopardized.
 - (ii) Stacking of vehicles (end-to-end).
 - (iii) Use of semi-circular driveways.
 - (iv) Masonry pavers seeded with grass.
 - (v) The ratio of the parking lot area to the existing yard areas that are located between the Bed and Breakfast structure and the property lines that abut a street shall not exceed 1 : 1.
 - (vi) Reduction in number of guest rooms if impacts cannot be mitigated.
- (4) Signage. Also see Article 26, Section 26.024 of this Code. One sign which must be attached to the dwelling, not internally illuminated, and not to exceed 3 square feet in area.
- (5) Structure Type and Appearance.
 - (a) Existing Structures. Single family dwellings are the only eligible structures for conversion to Bed and Breakfast Inns. Apartment

dwellings and non- residential structures, such as institutional buildings, warehouses, and churches are not eligible.

- (b) The architecture of new structures shall resemble single family dwellings.
- (6) Access. The street serving the Bed and Breakfast Inn shall have adequate capacity and turnaround area to serve the additional traffic.
- (7) Bed and Breakfast operator must be applicant of the request and reside at the Bed and Breakfast Inn.
- (8) An accurate and up-to-date guest register must be maintained and available for review by the City’s Finance Director.
- (9) Breakfast is the only meal to be provided and shall be served only to guests of the Bed and Breakfast Inn. For the purpose of this section, Breakfast is considered to be any meal served between the hours of 2:00 a.m. and 12:00 noon.
- (10) Evidence of compliance with the Uniform Building Code, Fire Life Safety Code, and standards of the State and local Health Departments.

14.500 Residential Care

14.510 Residential Homes. Residential Homes, as defined in Article 30 of this Code, are permitted in any existing residential dwelling unit which is approved for occupancy. No development permit is required.

14.520 Residential Care Facilities.

14.521 Permit Required. A development permit for a residential care facility, as defined in Article 30 of this Code shall be obtained prior to any said use. The permit application shall contain the following:

- (1) All submittal requirements for site plan review as found in Section 19.072 of this Code.
- (2) A copy of the application and supporting documentation for State licensing of the facility.

14.522 Development Standards

- (1) Off Street Parking.
 - (a) Parking shall be provided at the rate of one space per attendant.
 - (b) Design.

- (i) An on-site turn-around must be provided when the review body determines there is a risk to public safety.
 - (ii) Up to two vehicles may be stacked end to end.
- (2) The facility shall meet all requirements that would be required of a new single family dwelling on the same lot, except that non-conforming buildings need not meet setback requirements.
- (3) The review body may require landscaping or site obscuring fencing when necessary to mitigate conflicts with adjacent properties.

14.523 Criteria for Approval.

- (1) The facility is licensed according to State statute, or application has been made for licensing. Proof of licensing must be provided prior to occupancy of the site.
- (2) The development standards found in Section 14.522 of this Code are met.

14.600 Adult Businesses

14.610 Applicability. Sections 14.600-14.650, apply to any “adult business” and “adult use” as those terms are defined in Article 30 and establishes an overlay area where adult businesses are not permitted, notwithstanding any other Development Code provision to the contrary.

14.620 Permit Required.

- (1) An adult business shall be required to obtain a development permit as outlined in this section and shall be processed according to the provisions of Article 12.
- (2) Subject to the restrictions of Sections 14.600-14.650 and Article 12, an adult business is a permitted use in any zone where the activity would be a permitted use if the activity was not restricted to any persons under 18 years of age.
- (3) In addition to the adult business restrictions of Sections 14.600-14.650, an adult business must comply with all Development Code requirements which would be applicable to the activity as if it were not restricted to any persons under 18 years of age.

14.630 Additional Criteria for Permit Approval. A development permit for an adult business shall also comply with all of the following criteria:

- (1) (a) The adult business is located in a Riverfront Tourist Commercial Zone and has 10,000 or more square feet of covered and enclosed building space open to the public; or

- (b) The adult business is located more than 200 feet from any R-1, R-2, R-3, or R-4 residential zones (measured in a straight line from the closest edge of the property line on which the business is located to the closest edge of property in the residential zone); and
- (2) (a) The adult business is located in a Riverfront Tourist Commercial Zone and has 10,000 or more square feet of covered and enclosed building space open to the public; or
- (b) The adult business has 10,000 or more square feet of covered and enclosed building space open to the public, and contains restaurant accommodations that are not restricted at any time by age and which restaurant accommodations have a floor area equal to or greater in size than the portion of the premises where any persons younger than 18 years of age are prohibited; or
- ⁶(c) The adult business has less than 10,000 square feet of covered and enclosed building space open to the public, and the adult business is located more than 1000 feet from all of the following facilities (measured in a straight line from the closest property line on which the adult business is located to the closest edge of the property line on which the facility is located):
 - (i) A “school, public” as defined by Article 30, with an average weekday attendance (during any continuous 3 month period during the preceding 12 months) of not less than 50 children who are under 18 years of age.
 - (ii) A public library.
 - (iii) A public park which covers an area of not less than 20,000 square feet and has facilities such as a playground, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.
 - (iv) A commercial or residential recreational facility, as defined in Article 30, which serves children under 18 years of age, and has a total area for indoor and outdoor recreation (not including parking) of not less than 20,000 square feet.

14.640 Modification of an Adult Use in a Non-conforming Adult Business. An adult business which, at the time of adoption of 14.600-14.650, does not conform to the criteria contained therein, shall be governed by the provisions of Article 15 of the Development Code except that the current adult use may not be expanded to include other types of uses which by law are not accessible by persons of any age group under 21 years of age. Any such modification of the adult use shall result in automatic loss of the rights under Article 15 and shall cause the adult business to be in violation of Article 14.

14.650 Modification of a Structure Housing a Non-conforming Adult Business. Any modification to a structure or surrounding properties utilized by an adult business shall be governed by the provisions of Article 15 of the Development Code.

Related Sign Code Amendment:

One business sign no larger than four (4) square feet in area is permitted. The sign shall be attached to the dwelling of the home occupation and shall not be internally illuminated.

14.700 Self-Storage in General Commercial and Residential Zones

The review procedure for Self-Storage shall be as provided in Schedule 12-2.

14.710 Development Standards for Self-Storage in General Commercial Zones

- (1) An approved primary use or uses must exist on the same property between the Self-Storage and all street frontages.
- (2) The approved primary use(s) must be in a building or buildings totaling at least 2,500 square feet in area.
- (3) The building(s) containing the approved primary use(s) shall be oriented to obscure view of the Self-Storage from all rights-of-way to the greatest extent practical.
- (4) All buildings containing the approved primary uses(s) must meet the Architectural Standards in Section 20.400-20.495.
- (5) The development of the site must meet Article 23 Landscaping and Buffering Development Standards.
- (6) The development must meet all other applicable provisions of this Code.

14.720 Development Standards for Self-Storage in Residential Zones

- (1) Self-Storage in residential zones shall only be made available for use by residents of the residential development (**for example:** multi-family complex, residential subdivision, PUD) containing the Self-Storage facility. At no time is the Self-Storage facility permitted to serve non-residents.
- (2) Self-Storage in residential zones shall be maintained and operated by the owner of the complex in the case of multi-family developments held in common ownership, and by a legally formed homeowners association in the case of residential developments held in separate ownership (**for example:** residential subdivision, PUD, condominium).
- (3) The Self-Storage buildings shall be built in a location and manner that obscures their view from all rights-of-way and paths to the greatest extent practical.

- (4) The development of the site must meet Article 23 Landscaping and Buffering Development Standards. The Self-Storage facility must meet the Commercial standards for Landscape and Buffering.
- (5) The development must meet all other applicable provisions of this Code.

REVISIONS

DATE	ORD #
9/2/92	4744
3/21/94	4788
3/6/96	4853
4/20/05	5285
10/17/12	5564
4/2/14	5604
9/17/14	5619
11/12/14	5630
4/20/16	5679